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Mohamad Y. Sasa

SOLICITOR  
Joseph R. Ballirano, Esq.

## TOWN OF JOHNSTON PLANNING BOARD

100 IRONS AVENUE, JOHNSTON, RI 02919  
TEL.: (401) 231-4000 FAX: (401) 231-4181

**Tuesday, July 9, 2013, 6:00 p.m.**

Johnston Senior Center, 1291 Hartford Ave., Johnston, RI 02919

### MINUTES

The Planning Board of the Town of Johnston held their regular meeting at 6:00 p.m. on Tuesday, July 9, 2013, at the Johnston Senior Center, 1291 Hartford Ave.

#### I. **Call to Order & Roll Call**

The meeting was called to order at 6:08 p.m. Quorum present for the Board: Albert Cournoyer, Lauren Garzone, Peggy Passarelli, and Mohamad Sasa. Absent: Lori Pezzullo, Christine Cunneen and John Laurito.

Also present for the Town: Joseph R. Ballirano, Planning Board Solicitor, Pamela Sherrill, Administrative Officer, and Susan Leonardi, Planning Clerk.

#### II. **Approval of Minutes**

Mr. Sasa made the motion to accept the minutes of the June 4, 2013 Planning Board meeting. Mr. Cournoyer seconded the motion. A voice vote was taken; all in favor.

Mr. Cournoyer made the motion to accept the minutes of the June 25, 2013 Special Planning Board meeting. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

Mr. Sasa made the motion to suspend the rules and hear the petition for Cumberland Farms – Hartford Avenue out of order. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

#### III. **Public Hearings**

##### Cumberland Farms

**PB '13 - 12**

Preliminary Plan and Commercial Site review for proposed major land development entitled Hartford Avenue – Cumberland Farms located at 2643 Hartford Avenue – A.P. 57 Lot 297 (zoned B-2) on 1.24 acres for Cumberland Farms Inc.

Elizabeth Noonan, Esq. presented the application and brief history of the project since detailed presentation to the board was made at the master plan stage. Project received Zoning Board approval in April, 2013 for a Special Use Permit for the gas pumps and a Dimensional Variance for setbacks. Conditions of approval were the installation of an 8 ft fence and landscaping. Ms. Noonan submitted the resume of Steven Decoursey, P.E. to the Board. Mr. Sasa made the

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motion to accept Mr. DeCoursey as a qualified expert witness. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

Mr. DeCoursey, having been sworn in, explained the site plan. The only change to the plan since the Master Plan is the fence on the rear and the side of the property. The project has received the RIDOT PAP, RIDEM UIC, and the RIDEM UST permits. The OWTS final approval is still outstanding.

Ms. Noonan stated that there will be no access from Rollingwood Drive. The Commercial Site Plan conforms to the Land Development and Subdivision Review Regulations of the Town of Johnston. All the conditions and specifications were testified to at the Master Plan Stage. She requested that Final Approval be delegated to the Administrative Officer.

No abutters for or against the project came forward.

Mr. Sasa made the motion to close the Public Hearing. Mr. Cournoyer seconded the motion. A voice vote was taken; all in favor.

Mr. Cournoyer made the motion to accept the Planner's Report into the record. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

Mr. Sasa discussed the landscaping located between the 2 ingress/egress curb cuts on Hartford Ave. It should be low in order not to obstruct vision. Ms. Noonan confirmed this. Mr. Ballirano indicated that if there is any problem with site distances in the future that this should be reported to Mr. Nascenzi, Building Official. Location of dumpster was discussed to the left rear. The outdoor eating area will be fenced and locked from 10 PM to 6 AM in accordance with the Zoning decision. Proposed facility will be operated 24/7, same as current operations. New underground gas tanks will be installed.

Ms. Garzone asked if back-up generators would be installed should the site lose power. Dawn Johnson of Cumberland Farms, having been sworn in, stated that larger volume stores are currently being outfitted with generators. It is likely that this location will be pre-wired for a generator because the regional offices will be located upstairs. Generator likely to be installed to the rear. Switch to generator power will not be automatic.

Ms. Passarelli made the motion to incorporate the testimony heard at the Master Plan hearing into the Preliminary hearing. Mr. Cournoyer seconded the motion. A voice vote was taken; all in favor.

Ms. Passarelli made the motion to approve the Preliminary Plan. Mr. Sasa seconded the motion. A voice vote was taken; all in favor.

Ms. Passarelli made the motion to defer Final Approval of the Preliminary Plan to the Administrative Officer. Mr. Cournoyer seconded the motion. A voice vote was taken; all in favor.

Mr. Cournoyer made the motion to approve the Commercial Site Plan subject to receipt of the OWTS permit. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

Mr. Sasa made the motion to incorporate the testimony heard at the Master Plan hearing into the Commercial Site Plan hearing. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

Ms. Passarelli made the motion to defer Final Approval of the Commercial Site Plan to the Administrative Officer. Mr. Cournoyer seconded the motion. A voice vote was taken; all in favor.

IV. **Old Business**

A. **Proposed Amendment to Johnston Land Development and Subdivision Review Regulations** **PB '13 - 13**

Proposed amendment to Section III, General Requirement and Design Standards, Article F – Drainage Improvements, regarding maintenance of stormwater facilities.

Ms. Sherrill, Administrative Officer presented the amendment to the Board. This amendment will codify the procedure/protocol so that the maintenance of stormwater facilities falls to the owner of the lot or the homeowner association. This has been implemented in response to the 2010 DEM stormwater manual and is part of a three-prong approach to amend town regulations, ordinance and the comprehensive plan to address DEM notices of violation for stormwater. In 2011 Chapter 291, Soil Erosion and Sediment Control, of the Town Code of Ordinance was amended through Ordinance 2011-29 to be specifically consistent with current versions of the RIDEM Stormwater Management Plan Guide, RI Stormwater Design and Installation Standards Manual, and the Stormwater Guide for Individual Single-Family Residential Lot Development. The comprehensive plan was also amended through Town Council adoption in 2011 with Policy NC-2a: “Preserve the quality of ground and surface waters through implementation of conservation development and low impact development strategies for stormwater management that avoid, reduce and manage the impacts of development”.

If the Town has to step in and repair a stormwater facility in a residential subdivision, a lien could be placed on the impacted lots served. The Town Engineer will send letters to HOA’s annually with a request for inspection logs for stormwater facilities.

Mr. Cournoyer made the motion to accept the amendment to the Land Development and Subdivision Review Regulations. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

B. **Johnston Comprehensive Plan Rewrite** **PB '13 - 10**

Population projections

Ms Sherrill, Administrative Officer, presented population information to the Board as background for the comprehensive plan rewrite. This information will be simplified for public outreach and the comprehensive plan. The total population of the Town of Johnston was 28,790 in the 2010 US Census, representing a 2.1% change over the 2000 Census. Between 2000 and 2010, 16 communities (including Johnston) experienced growth of less than 5%. This positive growth rate is sustainable, meaning that it will not adversely affect municipal services. The number of households has increased 5% while the number of persons per household has decreased from 2.5 to 2.4. Rental units have remained stable at 1.9 residents per unit, while residents in owner-occupied units have decreased from 2.7 to 2.6. The median age in Johnston is 44, representing the aging of the baby boomer bell curve.

Demographics will have implications for future housing demand. A variety in housing stock, including the single family as well as more diverse types of multifamily housing helps to provide the range of housing types required over a lifetime. While prior generations may have preferred a single family house throughout a person’s adult years, households are forming later, divorce and alternative lifestyles put increased demands on rental units, and seniors are living longer and looking for other housing options.

CT 122 in western Johnston had the highest growth rate of 7.4%, in part due to the construction of The Ledges, Winsor Woods I & II, and Poppy Hills.

CT 123, 124.1 and 124.2 in eastern Johnston had population decreases in the areas dominated by older dwellings and post WWII housing stock.

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CT 125 in southern Johnston has the highest minority population, lowest percentage of working adults, and lowest percentage of home ownership.

The central finding of RI Population Projections 2010-2040 is that the state will continue to have very low or negative population growth through 2020 due to negative net migration, stable birth rates, and increasing mortality (death of baby boomers). The state will return to higher rates of net migration and population growth through the 2030s, at which point the growing number of older residents will again cause decline in the state's population.

V. **New Business** — none

VI. **Administrative Report & Special Items**

Ms. Sherrill distributed copies of the Planning Board chair's June 5, 2013 letter submitted to the Town Council, requesting \$50,000 for the Comprehensive Plan rewrite. The Town Council voted to continue the matter.

The Town Council also approved the Zone Change for Tractor Supply.

The Zone Change and Text Change for Schnitzer will be coming before the Board shortly.

Mr. Nascenzi closed operations at Broadrock Energy today based on construction of gas piping that emitted landfill gas to the atmosphere.

VII. **General Business** - none

VIII. **Adjournment**

Mr. Cournoyer made the motion to adjourn at 7:05 p.m. Ms. Passarelli seconded the motion. A voice vote was taken; all in favor.

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*Peggy A. Passarelli*  
SECRETARY